



COOLIDGE WALL

A Legal Professional Association

US EPA RECORDS CENTER REGION 5



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June 9, 2015

Ms. Margaret Herring, Civil Investigator
U.S. Environmental Protection Agency, Region 5
Superfund Division
Enforcement and Compliance Assurance Branch (SE-5J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: Special Notice Letter and request for Information for the South Dayton Dump & Landfill Site in Moraine, Ohio

Dear Ms. Herring:

I am writing on behalf of The Miami Conservancy District (the "District") in response to the January 16, 2015 letter requesting three questions be addressed. As you are likely aware, several extensions to the request were made and granted. I appreciate Mr. Nash and the Agency granting those extensions to the District.

As the District has expressed before, it is the District's position that it is not appropriately classed as a PRP in this matter. Under Ohio law, conservancy districts are established to preserve, protect and enhance the state's water resources and nearby lands. The District continues to assert it is eligible for relief from CERCLA liability by reason of:

1. A "bona fide prospective purchaser" (CERCLA §107(r);
2. Owner of "contiguous property" (CERCLA §107(q);
3. A "fiduciary" (i.e. a "conservator") (CERCLA §107(n); and/or
4. One whose "contribution" to Site conditions is appropriately considered "de micromis" or "de minimis".

The District has also worked with the Agency for a number of years to allow monitoring of its land. Nevertheless, the District feels it is important to respond to the Agency's questions as directed.

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1. Question: The identification, nature and quantity of materials which have been or are generated, treated, stored, or disposed of at a facility or transported to a facility.

Answer: The District has no knowledge or basis of identifying the nature or quantity of materials generated, treated, stored, or disposed of at the facility or transported to the Site.

2. Question: The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a facility.

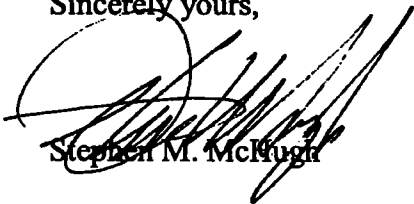
Answer: The District has no knowledge or basis for which to know the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

3. Question: The ability of potentially liable parties to pay costs of the cleanup.

Answer: The District has no knowledge or basis of knowing the ability of potentially liable parties to pay the costs of the cleanup.

The District hopes the cooperation continues with the Agency. The District seeks Agency acknowledgement that the District has no CERCLA liability in this matter.

Sincerely yours,



Stephen M. McKnight

SMM/kah

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